

RESOLUTION NO. 2004-313

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING THE NECESSITY AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS TO SECURE THE REAL PROPERTY INTEREST
NECESSARY TO CONSTRUCT THE WIDENING OF BOND ROAD BETWEEN ELK
GROVE - FLORIN ROAD AND POPLAR HOLLOW LANE**

WHEREAS, improving and widening Bond Road holds a high priority in the City of Elk Grove Transportation Improvement Program and acquiring the necessary right of way and assisting with the required business relocation is an important and necessary step in the Bond Road Widening Project; and

WHEREAS, the Project, including its improvements, is necessary to ensure that the roadway system operates at an acceptable level of service, to provide for efficient and safe traffic circulation including access to and from a new middle school and a new high school; and

WHEREAS, as a part of said Project, it is necessary to acquire certain real property interests ("Property") for the construction, operation and maintenance of a right-of-way and related improvements on Bond Road between Elk Grove -Florin Road and Poplar Hollow Lane; and

WHEREAS, the City of Elk Grove has investigated and examined alternatives to the Project and the acquisition of the Properties, and concluded that both the Project and acquisition of the Properties for the Project are necessary; and

WHEREAS, the Property, which is the subject of this Resolution of Necessity is more particularly described and depicted in Exhibit A which is attached hereto and is incorporated herein. The Sacramento County Assessor has designated the Property as: BP West, a portion of APN: 127-0160-027

WHEREAS, the Property is located entirely within the municipal boundaries of the City of Elk Grove; and

WHEREAS, the City of Elk Grove has complied with the requirements of the California Environmental Quality Act, Public Resources Code section 21000, *et seq.*, in regards to acquisition of the Properties based upon the City of Elk Grove's adoption of a Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program adopted by City Council on April 21, 2004 ; and

WHEREAS, the City of Elk Grove has complied with the requirements of Government Code section 7267.2, in regards to acquisition of the Property by making an offer to purchase to the known owner(s) of record; and

WHEREAS, as a result of the hearing held on December 15, 2004, and in accordance with the provisions of Code of Civil Procedure section 1245.235, the City Council of the City of Elk Grove intends to make certain findings and determinations.

NOW, THEREFORE, be it resolved by the City Council of the City of Elk Grove as follows:

1. The recitals contained herein are true and correct;
2. Upon examination of the alternatives, the City of Elk Grove requires the Properties for the Project;
3. The City of Elk Grove is authorized to acquire the Properties pursuant to the provisions of Government Code section 37350.5 and the provisions of the Eminent Domain Law comprising Title 7, Part 3 of the Code of Civil Procedure (commencing at section 1230.010);
4. Acquisition of the Properties for Project purposes promotes public safety and the general welfare, is authorized by Government Code section 37350.5, and is therefore a public use.
5. The City of Elk Grove hereby finds, determines and declares:
 - a. The public interest and necessity require the proposed Project;
 - b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - c. The property interests described and depicted in Exhibit A are necessary for the purposes of construction, operation and maintenance of the proposed Project; and
 - d. Prior to making the above findings and determinations, the offer required by section 7267.2 of the Government Code was made to the owner(s) of record of the property interests described and depicted in Exhibit A.
6. The City Attorney is hereby authorized and directed to prepare, commence and prosecute proceedings in eminent domain in the appropriate court to acquire for the City of Elk Grove the property interest described and depicted in Exhibit A. The City Attorney is further authorized take all steps necessary to obtain such orders for immediate possession of the property interest as may be required for the Project.

IN WITNESS WHEREOF, we, the members of the City Council of the City of Elk Grove, do hereby adopt this Resolution.

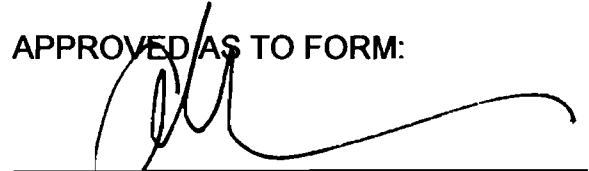
APPROVED, PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 15th day of December 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

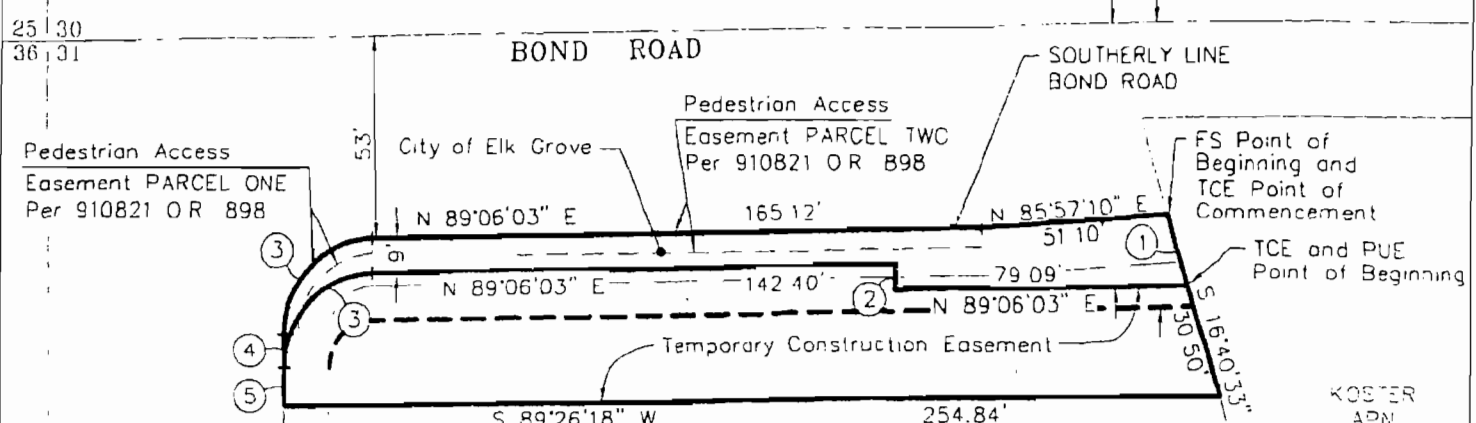
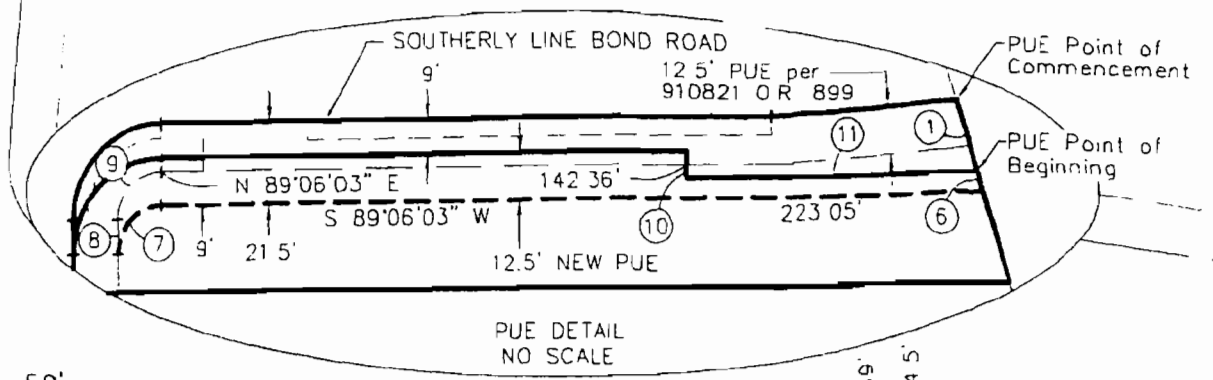

PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY



SCALE: 1" = 50'



LINE	BEARING	DIST.
1	S 16°40'33" E	19.54'
2	N 00°53'57" W	7.00'
4	N 00°38'00" W	9.00'
5	N 00°38'00" W	9.97'
6	S 16°40'33" E	5.72'
8	N 00°38'00" W	9.00'
10	S 00°53'57" E	3.50'
11	N 89°06'03" E	79.09'

CURVE	DELTA	RADIUS	LENGTH	TANGENT
3	89°44'03"	25.00'	39.15'	
7	89°43'59"	12.50'	19.58'	N 00°54'01" W
9	89°43'25"	12.50'	19.57'	S 89°22'19" W

BP WEST COAST PRODUCTS LLC
 BK 20020130 PG 811
 APN 127-0160-027

AREA	
NEW PUE	1,832 Sq. Ft. 0.042 Acres
TCE	8,204 Sq. Ft. 0.188 Acres

FS AREA	
GROSS	2,807 Sq. Ft. 0.064 Acres
EXISTING PUE	2,450 Sq. Ft. 0.056 Acres

FS - Fee Simple
 TCE - Temporary Construction Easement
 PUE - Public Utility Easement

The bearings are based on the California Coordinate System of 1983 (1997 30), Zone 2

CITY OF ELK GROVE
 EXHIBIT "B"
 BP WEST COAST PRODUCTS LLC
 PROPERTY



WORLDWIDE INC.
 CIVIL ENGINEERING • LAND SURVEYING
 PLANNING
 111 CENTER AVE • SUITE F • PACHECO • CA • 94553

DESIGNED:	STAFF
DRAWN	JPW
CHECKED	AXD
SCALE:	1"=50'
DATE	6-1-04
SHEET NO	

EXHIBIT "A"

DESCRIPTION FOR
CITY OF ELK GROVE

All that Real property situate in the City of Elk Grove, County of Sacramento, State of California, being a portion of Parcel 1 as shown on the Parcel Map entitled "Lot A, of Map of Resubdivision of Rancho Grande Unit No. 9" recorded in Book 94 of Parcel Maps at Page 32, Sacramento County Records, more particularly described as follows.

BEGINNING at the northeasterly corner of the parcel of land described in the deed from Atlantic Richfield Company to Sacramento Count recorded on August 21, 1991 in Book 910821 of Official Records at page 0901, Sacramento County Records; thence along the easterly line of said parcel South 16°40'33" East 19.54 feet to a line parallel with and lying 69.00 feet (measured at right angle) southerly of the centerline of Bond Road (variable width); thence along said parallel line South 89°06'03" West 79.09 feet; thence North 00°53'57" West 7.00 feet to a line parallel with and lying 9.00 feet (measured at right angle) southerly of said southerly line of Bond Road (variable width), thence along said parallel line South 89°06'03" West 142.40 feet to the beginning of a curve concave to the southeast, having a radius of 25.00 feet; thence southwesterly 39.15 feet along said curve through a central angle of 89°44'03" to the easterly line of Elk Grove-Florin Road (variable width) ; thence along last said line North 00°38'00" West 9.00 feet to the beginning of a curve concave to the southeast, having a radius of 25.00 feet; thence northeasterly 39.15 feet along said curve through a central angle of 89°44'03", thence along the southerly line of Bond Road North 89°06'03" East 165 12 feet; thence North 85°57'10" East 51.10 feet to the point of beginning

Containing 2,807 square feet or 0 064 acres, more or less.

The bearings used in the above description(s) are based on the California Coordinate System of 1983 (1997.30), Zone 2.

END OF DESCRIPTION

Albert DeLeon
Albert DeLeon PLS 7716
cense expires 3-31-05

5 4 07
Date



EXHIBIT "A"

DESCRIPTION FOR
PUBLIC UTILITY EASEMENT

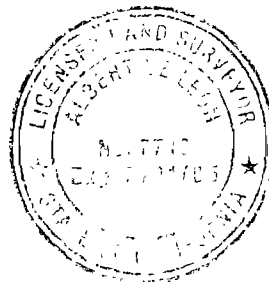
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COMMENCING at the northeasterly corner of the parcel of land described in the deed from Atlantic Richfield Company to Sacramento Count recorded on August 21, 1991 in Book 910821 of Official Records at page 0901, Sacramento County Records; thence along the easterly line of said parcel South 16°40'33" East 19.54 feet to the **POINT OF BEGINNING**; thence continue along said line South 16°40'33" East 5.72 feet to a line parallel with and lying 74.50 feet (measured at right angle) southerly of the centerline of Bond Road (variable width); thence along said parallel line South 89°06'03" West 223.05 feet to the beginning of a curve concave to the southeast, having a radius of 12.50 feet, to which a radial line bears North 00°54'01" West, thence southwesterly 19.58 feet along said curve through a central angle of 89°43'59" to the easterly line of the parcel of land described in the deed recorded on August 21, 1991 in Book 910821 of Official Records at page 0899, Sacramento County Records; thence along the easterly and southerly lines of said parcel the following three (3) courses; 1.) North 00°38'00" West 9.00 feet to the beginning of a curve concave to the southeast, having a radius of 12.50 feet, to which a radial line bears South 89°22'19" West; 2.) northeasterly 19.57 feet along said curve through a central angle of 89°43'25" to a line parallel with and lying 21.50 feet (measured at right angle) southerly of the southerly line of said Bond Road; and 3.) along said parallel line North 89°06'03" East 142.36 feet; thence leaving last said line South 00°53'57" East 3 50 feet to a line parallel with and lying 69.00 feet (measured at right angle) southerly of the centerline of said Bond Road; thence along said parallel line North 89°06'03" East 79.09 feet to the point of beginning.

Containing 1,832 Square Feet or 0.042 Acres, more or less

The bearings used in the above description(s) are based on the California Coordinate System of 1983 (1997.30), Zone 2.

END OF DESCRIPTION



Albert DeLeon PLS 7716
License expires 3-31-05

Date

EXHIBIT "A"

DESCRIPTION FOR
TEMPORARY CONSTRUCTION EASEMENT

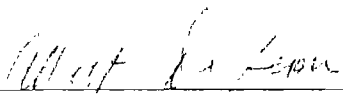
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COMMENCING at the northeasterly corner of the parcel of land described in the deed from Atlantic Richfield Company to Sacramento Count recorded on August 21, 1991 in Book 910821 of Official Records at page 0901, Sacramento County Records; thence along the easterly line of said parcel South 16°40'33" East 19.54 feet to the **POINT OF BEGINNING**; thence continue along said line South 16°40'33" East 30.50 feet; thence leaving last said line South 89°26'18" West 254.84 feet to the easterly line of Elk Grove-Florin Road (variable width); thence along last said line North 00°38'00" West 9.97 feet to the beginning of a curve concave to the southeast, having a radius of 25.00 feet; thence northeasterly 39.15 feet along said curve through a central angle of 89°44'03" to a line parallel with and lying 9.00 feet (measured at right angle) southerly of the southerly line of Bond Road (variable width); thence along said parallel line North 89°06'03" East 142.40 feet; thence South 00°53'57" East 7.00 feet to a line parallel with and lying 69.00 feet (measured at right angle) southerly of the centerline of Bond Road; thence along said parallel line North 89°06'03" East 79.09 feet to the point of beginning.

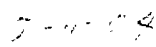
Containing 8,204 square feet or 0.188 acres, more or less.

The bearings used in the above description(s) are based on the California Coordinate System of 1983 (1997.30), Zone 2.

END OF DESCRIPTION



Albert DeLeon PLS 7716
License expires 3-31-05



Date



**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-313**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 15th day of December 2004 by the following vote:


AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**